

## **REMARKS**

Applicants reply to the Office Action dated October 4, 2006 of which this Reply is filed with a one (1) month extension of time. Claims 1-13, and 22 were pending in the application and the Examiner rejects claims 1-13, and 22. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Applicants assert that the application is in condition for allowance and reconsideration of the pending claims is requested.

### **Double Patenting**

Claims 1-13, and 22 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-67 of copending Application Serial No. 09/836,213. Applicants' Counsel is filing herewith a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome this rejection.

### **Rejection under 35 U.S.C. § 102(a)**

The Examiner rejects claims 1-2, 6-10, and 22 under 35 U.S.C. § 102(a) as being unpatentable over Deaton et al., U.S. Patent No. 6,292,786 ("Deaton"). Applicants respectfully traverse the rejection.

Deaton generally discloses a system to enable product manufacturers to generate and present incentives in real-time at the point of sale (POS). The Deaton system receives product purchase information from a retailer POS. The product purchase information includes a Universal Product Code (UPC), product price, a customer identification code, and the like. The purchase information is used by the manufacturer to determine whether to offer an incentive to the customer. The Deaton system creates an incentive and transmits it to the retail POS so that the customer can receive benefit of the incentive before the sale is consummated.

Deaton seeks to overcome the disadvantages of prior art marketing methods, wherein incentives are offered based on survey related information. Such prior art methods are only able to provide manufacturers with information that would have been beneficial to their marketing efforts had the information been known earlier. Thus, the Deaton system enables the manufacturer to generate and offer incentives based on real-time information as provided by retailers. Because Deaton provides incentives at the POS, the customer is already in the process of facilitating the purchase. Thus, Deaton is not concerned with helping the customer to locate other retailers offering their manufactured product at a lower cost. Moreover, the Deaton system

is not able to locate similar products based on a customer's needs when the customer's desired product is not available from among a number of merchants. As such, Deaton does not disclose or suggest at least, "associating said retail item identifier with a second manufacturer item identifier indirectly corresponding to said retail item identifier when said first search does not return any of said plurality of retailers directly corresponding to said manufacturer item identifier," and "conducting a second search for said second manufacturer item identifier across said plurality of retailers when said first search does not return any of said plurality of retailers directly corresponding to said manufacturer item identifier," as similarly recited by independent claims 1 and 7.

Claims 2, 6, and 8-10 variously depend from independent claims 1 and 7. As such, dependent claims 2-10 and 13-23 are allowable for at least the same reasons as set forth above, as well as in view of their own respective features.

**Rejection under 35 U.S.C. § 103(a)**

The Examiner rejects claims 3-5 and 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Deaton. Applicants respectfully traverse the rejection.

Claims 3-5 depend from independent claim 1. Applicants assert that dependent claims 3-5 are allowable for at least the same reasons as set forth above in regard to the 35 U.S.C. § 102(a) rejection, as well as in view of their own respective features.

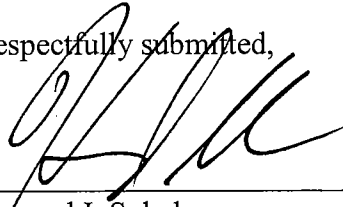
Regarding claims 11-13, the Deaton system is not able to locate similar products based on a customer's need's when the customer's desired product is not available from among a number of merchants. As such, Deaton does not disclose or suggest at least, "pre-authorizing said remote processor to automatically purchase a first item from a retailer who satisfies said search criteria," and "pre-authorizing said remote processor to automatically purchase a second item from a retailer who satisfies similar search criteria when said first item is not found," as recited by independent claims 11.

Claims 12-13 variously depend from independent claims 11. As such, dependent claims 12-13 are allowable for at least the same reasons as set forth above, as well as in view of their own respective features.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicants invite the Examiner to telephone the

undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,



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By: \_\_\_\_\_

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